

Serial No. 10/034,054

Attorney Docket No. PCI-784

Remarks

Claims 2-4 and 6-17 remain in the application. No amendments have been made in this response, however the Examiner's rectification of dependencies for claims 6, 12 and 15 have been incorporated, with thanks.

The Examiner has rejected claim 9 on the basis that "said third chamber" lacks antecedent basis. Applicant respectfully points out, however, that the first line of claim 9 provides sufficient antecedent basis. Withdrawal of the rejection is requested.

The Examiner rejected claims 2-4, 7-8, 12 and 15-16 as anticipated under §102(b) as being anticipated by Murata JP11-182437. With respect, the Applicant suggests that the Examiner's analysis is incorrect for the following reasons:

Murata's pumping chambers have differing piston sizes: Murata discloses having two pistons of different diameter (see paragraph [0017] of the English machine translation provided). This fact has important implications as to how the device or Murata operates, since pistons 15 and 17 are mounted to a floating actuator (i.e. supermagnetostriector 7). In other words, when the actuator elongates, the pumping chambers are not necessarily compressed at the same rate or even in the same direction - i.e. the pumping chambers do not operate in phase with one another. The device of Murata can only operate in phase if the pressure in chambers 19 and 21 are balanced - however, Murata teaches maintaining different pressures in chamber 19 and 21 (see [0023] - [0025], for example, where the relationship between "P1" and "P2" are discussed). This therefore means that the device is intended by Murata reciprocate asymmetrically about the actuator's centre of gravity, meaning that in the use described the chambers 19 and 21 will not be in phase with one another.

Murata's pumping chambers are independently operable: Paragraphs [0018] and [0019] of the English machine translation indicate that the pump sections 15 and 17 are intended operable independently of one another, while Paragraph [0025] describes that pump section 15 is intended to increase pressure P1 in chamber 19 while pressure P2

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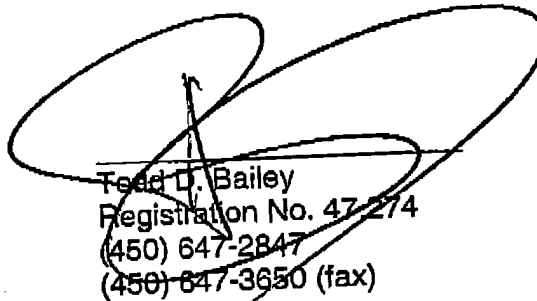
stays constant in chamber 21. The chambers clearly do not operate in phase with one another.

Murata therefore does not anticipate the elements claimed in claims 2, 7 and 16, and the Examiner's rejection should therefore be withdrawn. The remaining claims are allowable as depending from allowable base claims.

If the Examiner has any further concern regarding the condition of this application, please contact the undersigned at 450-647-2847 so that such concerns may be resolved expeditiously.

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Respectfully submitted,



Todd D. Bailey
Registration No. 47-274
(450) 647-2847
(450) 647-3650 (fax)